

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** **Proposed CNPA approach to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)**

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### **Purpose**

To seek the Board's approval for the CNPA's approach to developing a methodology for Sustainability Appraisal and Strategic Environmental Appraisal to be integrated with the Park Plan and Local Plan processes.

### **Recommendations**

Members are invited to:

- a) **Note that the CNPA is legally obliged to carry out a Strategic Environmental Assessment on its plans and policies in order to comply with the Strategic Environmental Assessment Directive; and**
- b) **Approve the recommendation that the CNPA develop a methodology that incorporates the statutory requirement to carry out a Strategic Environmental Assessment within the broader framework of a Sustainability Appraisal.**

### **Executive Summary**

Strategic Environmental Assessment (SEA) is a process that identifies potential environmental impacts of plans and policies. The CNPA is required by law to conduct an SEA on its plans and policies including the Park and Local Plans. The Board has previously indicated a preference to assess plans against a wider range of factors including social and economic as well as environmental impacts.

This paper therefore sets out a proposed approach to a Sustainability Appraisal (SA), which follows a similar process to SEA, but includes social and economic impacts. An SA is consistent with the CNPA's responsibility to deliver the Park's four aims collectively and brings additional transparency to its decision-making.

The proposed approach and timescale recognises the need to develop the SEA and SA in parallel with the Park and Local Plans, which provide an opportunity to pilot the approach. A full SEA and SA report will accompany public consultation of these and future plans. The set of environmental and sustainability appraisal criteria piloted on the Park and Local Plans will provide a basis for the appraisal of future plans and policies, and assist transparent decision making.

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## **PROPOSED CNPA APPROACH TO SUSTAINABILITY APPRAISAL (SA) AND STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)**

### **Background**

1. Board members will recall a Board Paper presented at the Board meeting on 12 March 2004 informing the Board of a Scottish Executive consultation on proposals for legislation on Strategic Environmental Assessment. That paper outlined the background to the SEA proposals, including the European Directive on SEA on which the Scottish legislation would build.
2. SEA is a process that allows the potential environmental effects of a policy or plan to be identified. If negative effects are identified, the policy or plan can be amended, or mitigating action can be taken as appropriate. Sustainability Appraisal is a similar process, but as well as environmental impacts, it considers the social and economic impacts. Annexes 1 and 2 set out the processes in more detail.
3. The CNPA's response to the Scottish Executive on the SEA consultation paper drew 4 main points:
  - a. Support for the general intention of the proposed legislation in pursuing greater environmental sustainability;
  - b. The CNPA's preference that the legislation allow the social and economic sustainability of its plans and programmes to be assessed along with environmental sustainability in order to provide a broader assessment of sustainability while still meeting SEA requirements;
  - c. That the CNPA would want other plans and programmes that applied to the National Park area to be subject to broader sustainability appraisal too; and
  - d. Encouraged the Scottish Executive to produce appropriate guidance and training opportunities for staff in the processes and techniques envisaged for SEA.
4. With preparation of the National Park Plan and Local Plan underway, it is now important that the CNPA develops methodologies for integrating Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) within these plans and subsequent CNPA plans and programmes.

### **The Proposed CNPA Approach to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)**

5. The CNPA is legally obliged to carry out an SEA on its plans and policies, including the Park and Local Plans. Therefore the CNPA now needs to develop a methodology for carrying out the SEA.
6. The Board has already indicated its desire that SEA should be integrated with consideration of broader sustainability objectives, in order that the social and economic impacts may be considered. Such an approach would be consistent with the CNPA's responsibility to deliver the four aims of the Park collectively. The principles

of SA also go further to meet the CNPA's core values of openness, inclusiveness and innovation.

7. It is therefore proposed to develop a methodology that integrates an SEA within a broader SA. However, given the statutory requirement to carry out an SEA, this will be clearly distinguishable within the SA in terms of both process and presentation.
8. A methodology for SA, which incorporates SEA, is not simply an additional tool to test plans once written. It sets a consistent framework for the policy development process that should underpin all of the CNPA's future work and ensure a collective approach to delivering its four aims. It should also make the reasons for particular policy or strategy choices more transparent, by demonstrating that the CNPA has considered all implications of the policy/plan as fully as possible.
9. Section 9 of the National Parks (Scotland) Act sets out the general purpose and functions of National Park authorities. It states in subsection 1 that "The general purpose of a National Park Authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a coordinated way." It also states in subsection 6 that "In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) (to conserve and enhance the natural and cultural heritage) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a)". The SA will help to highlight possible areas of conflict and then inform the decisions to be made in this process. The SA will form a part of the framework currently being developed by the CNPA to address the statutory duty under subsection 6.

### **Outline Methodology**

10. The Scottish Executive has prepared guidance on SEA jointly with the Office of the Deputy Prime Minister (ODPM), Welsh Assembly Government and the Northern Ireland Department of the Environment. There is also specific guidance from the Scottish Executive on carrying out SEA on Development Plans. There is little guidance from the Scottish Executive on SA, but the OPDM and the Welsh Assembly have prepared guidance in the context of Regional and Development Planning. The Welsh Assembly Government has also published guidance on how to incorporate SEA in the SA process. Our approach will build on this guidance.
11. To meet the CNPA's statutory SEA obligations the first step will be to scope the SEA with statutory consultees (SNH, SEPA, Historic Scotland). This will determine the extent of the assessment. At the same time, informal discussions will be held with a wider range of consultees on a broader scope for the SA.
12. The principle behind both assessments is to identify objectives (environmental, social and economic) that can be used to gauge the potential impacts of proposals, and therefore review proposals or take mitigating steps where appropriate. The SEA objectives relate primarily to environmental considerations, whereas the SA integrates the SEA objectives with a wider range of economic and social objectives.

13. From the scoping process, a detailed set of environmental and sustainability objectives and criteria will be determined, which will be piloted on the proposals in the Park and Local Plans. We will invite board members to contribute to the scoping exercise and thereafter will seek board approval for the sustainability objectives and criteria.
14. The initial priority will be to develop and implement the SEA component in order to meet statutory requirements and inform development of the wider SA. The fact that little guidance exists on carrying out SA in this context means that development of the SA methodology with partners will take longer than SEA, for which they have a statutory function to fulfil. For this reason, we anticipate the development of an SA methodology to be an ongoing process throughout the development of the Park Plan and Local Plan. Early work on both plans will focus on ensuring that the SEA requirements are met, while developing the SA methodology and objectives with a wider range of partners.
15. The Park Plan strategic objectives and first draft of the Local Plan will provide an opportunity to pilot the SEA and develop a better level of understanding that can be applied to development of the SA. Ongoing preparation of the Park Plan through 2005 will allow fuller development of the SA approach, which can also be applied to subsequent drafts of the Local Plan. By the stage of publication of the Draft Park Plan and Deposit Local Plan, each plan will have been assessed against the full SA including SEA. The process and relative timescale for SEA and SA implementation is shown in Figure 1.
16. Given the overarching nature of the Park and Local Plans, the framework devised for these will provide a full set of SEA and SA objectives and criteria that can be adapted in future for all other plans and policies developed by the CNPA. Following the initial testing of the Park and Local Plans, the SEA/SA framework will be reviewed to consider how it may be refined to be easily applicable to other plans and policies.

### **Management & Resource Implications**

17. The SEA and SA development and implementation will be lead by the Strategic Policy and Planning and Development Control Groups. The responsibility for day-to-day management of the process will be with the Park Plan Officer and Local Plan Officers, with the heads of group taking overall responsibility.
18. It is anticipated that development of the methodology will be in-house, and through discussion with partners including statutory consultees. There may be a need to call on specific expertise at later stages in the process, but until the scoping exercises have been completed, it is not possible to predict how much or in what disciplines.
19. It is therefore anticipated that the initial stages of the process can be absorbed within existing staff resources. The scoping exercise should identify the level and range of factors to be assessed in the application, and will be used to consider the likely CNPA staff time required, and the level and nature of any additional consultancy requirements. The board will be informed of the full resource implications once the scoping exercises and discussions with partners have been assessed.

## Recommendations

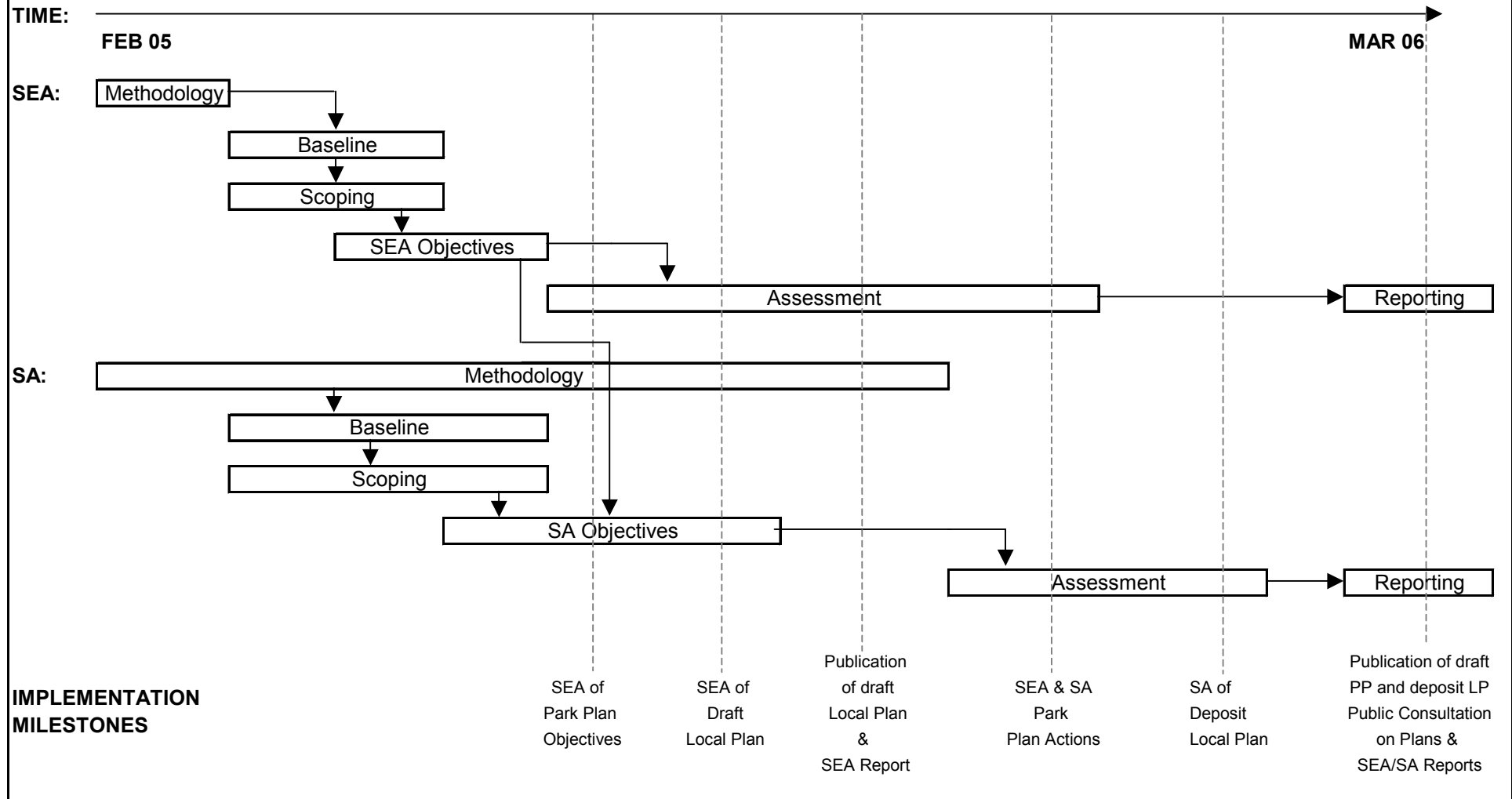
20. We recommend that:

- a) Members note that the CNPA is legally obliged to carry out a Strategic Environmental Assessment on its plans and policies in order to comply with the Strategic Environmental Assessment Directive; and
- b) Further, that the CNPA develop a methodology that incorporates the statutory requirement to carry out a Strategic Environmental Assessment within the broader framework of a Sustainability Appraisal.

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FIGURE 1: INTEGRATION OF SEA & SA



## STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) AND SUSTAINABILITY APPRAISAL (SA)

### Strategic Environmental Assessment (SEA)

1. Strategic Environmental Assessment (SEA) is the term used to describe the extension of the Environmental Impact Assessment (EIA) process to policies, plans and programmes. It has been described as “providing a systematic method of considering the likely effects on the environment of plans and programmes that set a broad based context for the future of development activity.” The main driver of SEA has been the European Commission, with practice and guidance<sup>1,2</sup> in the UK having tended to develop a more holistic approach to sustainability by explicitly incorporating social and economic considerations with environmental factors in appraisal of plans and programmes.
2. The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004<sup>3</sup> came into force on the 20th July 2004 to implement the European Directive 2001/42/EC on the Assessment of Environmental Effects of Certain Plans and Programmes. The Scottish Ministers still propose introducing legislation in 2005 that will extend a requirement for SEA on all plans and programmes produced by the public sector in Scotland.
3. It is important to note that SEA is not designed to substitute existing decision-making processes. It should be a systematic method for predicting the potential environmental impacts of policy options and provide decision makers and the public with as much information as possible about the environmental consequences of their decisions.
4. The SEA process has a number of key stages outlined in figure 1 below:

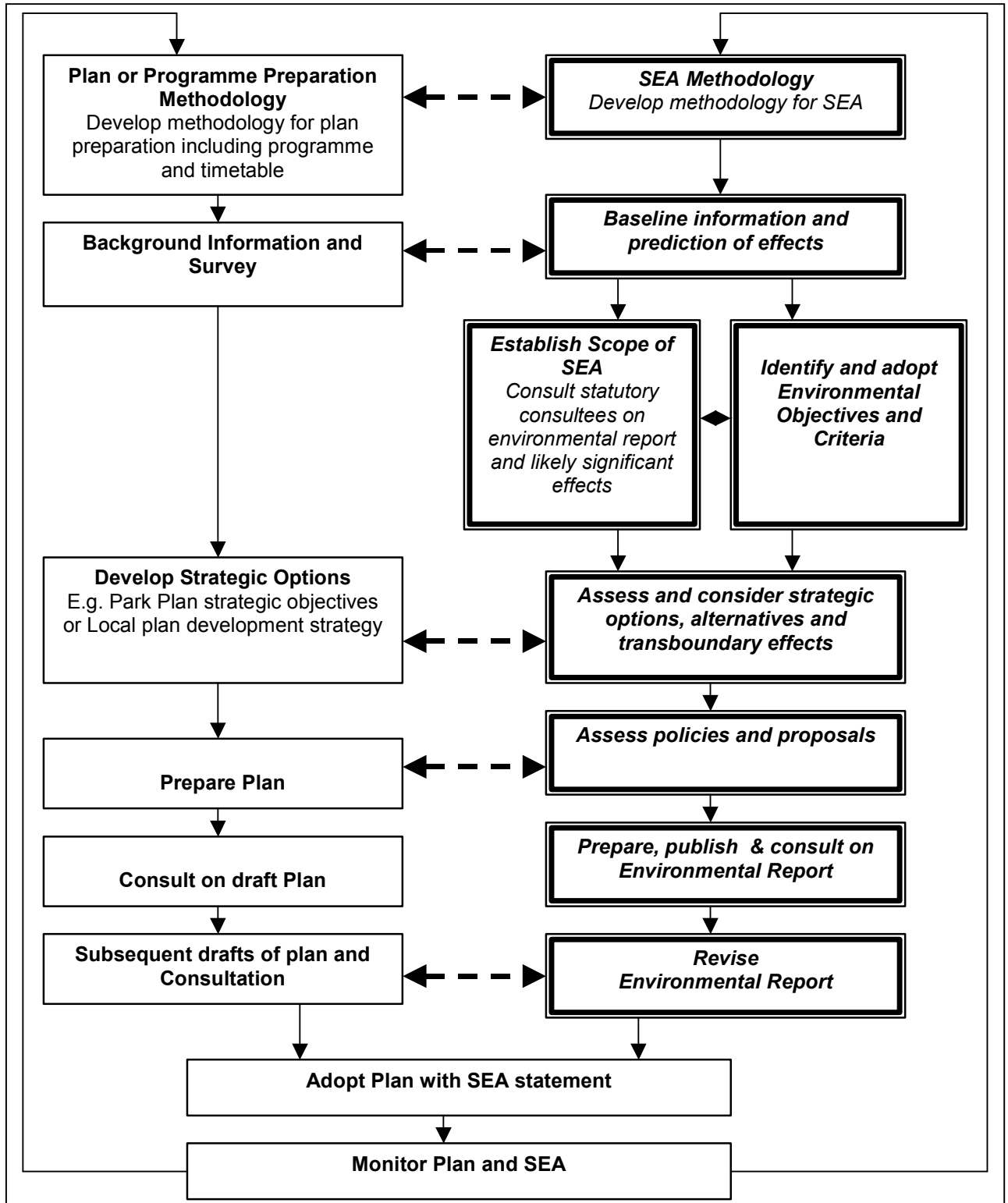
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<sup>1</sup> DoE, 1991, Policy Appraisal and the Environment: A Guide for Government Departments, Department of the Environment, Stationery Office, London.

<sup>2</sup> DoE, 1993, Environmental Appraisal of Development Plans: A Good Practice Guide, Department of the Environment, Stationery Office, London.

<sup>3</sup> Scottish Statutory Instrument 2004 No. 258, The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004

Figure 1. The SEA Process





## Sustainability Appraisal (SA)

5. Sustainability Appraisal is a broad term for techniques that identify and report on the extent to which the implementation of a plan or programme will achieve the environmental, economic and social objectives by which sustainable development can be defined, and identifies opportunities to improve the plan or programme's performance in relation to the objectives. In the UK, it evolved from environmental appraisal techniques similar to SEA. As the concept and interpretations of sustainable development evolved during the 1990's, it was recognised that the appraisal process of plans should identify and encompass relationships and trade-offs not only with respect to the environment, but with the social and economic aspects of sustainability too.
6. The development of SA has been driven by the UK parliament and particularly by the ODPM and previously DETR, and the Welsh Assembly. SA is becoming a statutory requirement for a number of land use planning strategies and functions in England and Wales. In Scotland, SA has not been promoted as strongly by the Scottish Executive, so development has been led by local authorities and has tended to be less radical in approach than in England in Wales.
7. However, in spite of the cautious adoption and development of SA in Scotland, its value was acknowledged recently in Scottish Executive Interim Planning Advice on the Environmental Assessment of Development Plans<sup>1</sup>. This document was prepared to help guide development planners through the SEA process in advance of the European Directive. It recognises that a SA will exceed the legislative requirements of SEA but that it will be more resource and expertise intensive than SEA. The advice also notes that for plans which deal with environmental, social, and economic issues in an integrated manner (in this case development plans), the wider remit of SA may be more consistent with the plan's approach.
8. The process for sustainability appraisal is shown in figure 2.

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<sup>1</sup> David Tyldesley and Associates, 2003, Environmental Assessment of Development Plans, Scottish Executive Social Research August 2003, Scottish Executive Development Department.

Figure 2. The SA Process

